

VILLAGE OF McDONALD, OHIO

ORDINANCE NO. 3248-20

AN ORDINANCE FOR THE PURPOSE OF ENACTING A “COVID-19 ADDITIONAL EMPLOYMENT LEAVE POLICY” IN ACCORDANCE WITH THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT ENACTED BY CONGRESS, and declaring an emergency.

WHEREAS, in response to COVID-19, Congress enacted the Families First Coronavirus Response Act, consisting of two distinct provisions providing emergency leave to employees including public employees for specific COVID-19 reasons: (1) the Emergency Paid Sick Leave Act; and (2) the Emergency Family and Medical Leave Expansion Act; and

WHEREAS, in accordance with and pursuant to the Families First Coronavirus Response Act, Council desires to establish a “COVID-19 Additional Employment Leave Policy” in compliance with the Act to be effective from April 1, 2020 through December 31, 2020 and to supplement the existing Village employment leave policies.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING that:

Section I. Council hereby enacts the “COVID-19 Additional Employment Leave Policy” attached hereto to be effective from April 1, 2020 through December 31, 2020.

Section II. The COVID-19 Additional Employment Leave Policy enacted by this Ordinance is intended to (i) comply with the Families First Coronavirus Response Act and (ii) supplement the existing employment leave policies set forth in Chapter 161 of the Codified Ordinances of the Village of McDonald, and the Policy will interpreted and construed accordingly.

Section III. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section IV. Due to exigent circumstances arising from COVID-19 and to preserve the health, welfare, and safety of the eligible Village employees, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in full legal force and effect from and after the earliest period allowed by law.

Passed in Council this 22nd day of April, 2020.

Mayor

Attest to:

Fiscal Officer

VILLAGE OF McDONALD, OHIO

COVID-19 ADDITIONAL EMPLOYMENT LEAVE POLICY

To assist eligible Village employees in meeting challenges caused by COVID-19 and to comply with the Families First Coronavirus Response Act (the “Act”), the Village establishes the following additional employment leave policies. These policies are temporary, will be construed to be effective as April 1, 2020, and will expire and terminate on December 31, 2020, and may be amended by law or regulation at any time.

EMERGENCY PAID SICK LEAVE

The Act created a new form of paid sick leave called Emergency Paid Sick Leave (“EPSL”) for up to two weeks for certain leave due to events caused by COVID-19.

Eligible Employees. Full-time and part-time employees, regardless of the duration of employment, are eligible to use EPSL.

Reasons for EPSL. An eligible employee is entitled to take EPSL if he/she is unable to work (or telework) because of the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. To care for an individual who is subject to an order as described in (1) above or has been advised as described in (2) above;
5. To care for the employee’s son or daughter if a school or place of care is closed, or the childcare provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Rate of Pay for EPSL.

1. EPSL for reason numbers 1 through 3, above, will be paid at the employee's regular rate of pay (or the applicable minimum wage, whichever is higher) with no premium for overtime hours for the EPSL. The maximum pay for EPSL for reason numbers 1 through 3, above, is the employee's full regular rate, capped at \$511.00 per day (\$5,110.00 in total).
2. EPSL for reason numbers 4 through 6, above, will be paid at two-thirds (2/3) of the employee's regular rate of pay (or two-thirds (2/3) of the applicable minimum wage, whichever is higher). The maximum pay for EPSL for reason numbers 4 through 6, above, is two-thirds (2/3) of the employee's regular rate, capped at \$200.00/day (\$2,000.00 in total).

Amount of Leave. Full-time employees are eligible for eighty (80) hours of EPSL and part-time employees are eligible for EPSL based on the average number of hours worked over a two week period.

Notice. Employees using EPSL should provide reasonable notice of the need for leave. Notice may be given by way of e-mail or a telephone call to the employee's Department head. Employees using EPSL must provide the reason for leave. The Village may request reasonable documentation to support the request for leave including the qualifying reason for requesting leave and documentation from a health care provider or childcare provider as applicable.

Termination of Leave. EPSL shall cease beginning with the earlier of the employee's next scheduled work shift immediately following the termination of the need for EPSL, as described above, or after two weeks.

Election of Qualifying Reason for EPSL. Employees may use EPSL for any combination of the qualifying reasons outlined above. However, each employee is only entitled to a maximum of two (2) weeks of EPSL, regardless of the number of qualifying reasons he/she may have for such leave. Employees entitled to leave under two (2) or more of the qualifying reasons outlined above will be required to designate the basis for their leave request at the time the request is made.

Carryover of EPSL. EPSL is only provided for 2020 and cannot be carried over, "banked" or paid out at the end of the year or upon the termination of the employee's employment for any reason.

EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION

The Coronavirus Response Act also created a new, expanded form of Family Medical Leave regardless of the number of employees. Each employee is entitled to a maximum of twelve (12) weeks of Emergency Family Medical Leave ("EFML") leave a year.

Eligible Employees. An employee who has been employed for at least thirty (30) calendar days may qualify for EFML.

Reason for Using EFML. EFML can be used when an employee is unable to work (or telework) due to caring for the employee's son or daughter under age 18, if the son or daughter's school or place of childcare has been closed, or the childcare provider is unavailable as a result of a COVID-19 related emergency declared by Federal, State, or local authority.

Interaction with Other Paid Leave Policies. The first ten (10) days of EFML will be unpaid. During this two-week period, the employee may use EPSL or, to receive a higher amount, may choose to use other paid leave available to the employee.

Pay Rate. After the first ten (10) days, eligible employees taking EFML will be entitled to pay at two-thirds (2/3) of their regular rate of pay (or two-thirds (2/3) of the applicable minimum wage, whichever is higher) for the number of hours the employee would normally be scheduled to work, capped at \$200.00/day and \$10,000.00 in the aggregate for the entire EFML period.

Termination of Leave. EFML will continue until the employee has exhausted his/her twelve (12) week entitlement or the reason for using the EFML leave ends.

EFML Rules and Procedures. All administrative provisions of the Family Medical Leave Act relating to such issues as notice, certification, and reinstatement apply to EFML.

OTHER EMPLOYMENT LEAVE POLICIES

The Village provides employees other forms of leave set forth in Chapter 161 of the Codified Ordinances of the Village of McDonald or in other legislation. The leave set forth Policy is in addition to those other forms of leave. Employees may use other forms of leave in accordance with existing policies for absence due to their own illness, exposure to a contagious disease which could be communicated to other employees, illness, injury or death in the immediate family, or for medical exams. Employees may use vacation other similar leave for any reason subject to approval by the Department head as necessary to maintain or as otherwise set forth in existing policies.

INTEPRETATION

To the extent there is any inconsistency between the terms of this Policy and the Act, the terms of the Act shall govern and control. It is the intent of the Village to comply with the Act and this Policy will be interpreted accordingly.